

**CITY OF LEWISTON
PLANNING BOARD MEETING**
Monday, November 28, 2016 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS:

A petition submitted by Louis Ouellette to rezone the property at 209 Webster Street from Neighborhood Conservation “A” (NCA) to Office Residential (OR) to allow for the development of a multi-family senior housing project. The project would also include development of 151 and 153 East Avenue, both currently zoned OR.

V. OTHER BUSINESS:

a) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the November 14, 2016 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: November 22, 2016
RE: November 28, 2016 Planning Board Agenda Item IV(a)

A petition submitted by Louis Ouellette to rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Louis Ouellette has submitted a petition to rezone the property he owns at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office-Residential (OR) district. This lot of 2.1 acres consists of a single-family home with frontage on Webster Street and East Avenue. The property currently abuts OR zoned properties along the westerly side. The remaining land abuts the NCA district. The petitioner is interesting in rezoning the property to OR with the intent of combining with other properties he owns at 153 East Avenue and 209 Webster Street (and possibly 151 Webster Street) to develop a multi-family structure for senior housing with up to 37 units. The NCA district does not allow multi-family structures. It is essentially a single-family district. The abutting OR district allows a variety of residential and non-residential uses, including multi-family structures.

Article XI, Section 6 of the aforementioned code states that the purpose of the NCA district is to promote neighborhood stability by requiring the development of new buildings or the reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district restrict housing to single-family detached dwellings unless the existing pattern of use in the immediate neighborhood is two-family or predominantly multifamily dwellings.

Article XI, Section 8 states the purpose of the OR district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties from residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods from undesirable impacts

A neighborhood meeting was held on August 29, 2016 at which approximately a dozen property owners attended. Expressed concerns included traffic and access to the site, affordability of the units, and proximity of construction to property lines. Staff explained that many of their questions related to the specific improvements of how the site may be developed. Those items would be addressed through the development review process, of which they would be notified, if the property is rezoned.

As staff mentioned at neighborhood meeting, the petitioner may have a specific project in mind; however, the Board should note the proposal at this time is whether the property should be

rezoned to OR. The petition to rezone the property is not tied to any specific development. Should the property be rezoned, it may be developed with any use allowed in the OR upon meeting applicable Zoning and Land Use Code requirements. That said, the petitioner has clearly stated his intent is to develop a multi-family senior housing project.

Overall, staff is supportive of the proposed request. This is a large lot abutting existing OR zoned properties with potential access to two major arterials. Zoned NCA and having only 112' of frontage on Webster Street, additional development of this lot is currently limited to single-family homes, which will require the construction of a frontage right-of-way or city street. Without those additional improvements, the lot may not be developed with more than one, single-family dwelling. The OR zoned properties on East Ave are small and do not easily lend themselves to new or redevelopment unless combined with abutting lots. Rezoning 209 Webster provides the lot depth and the potential for additional development in an orderly transition to low-intensity nonresidential uses and multifamily housing in an older residential area along two major traffic arterials. This includes the development of senior housing, which is goal of the existing and pending comprehensive plans for Lewiston. The petitioner's proposal has referenced applicable sections of both plans, noting that senior housing needs will continue to grow as the population's overall age increases and that Lewiston can enhance its ability to attract and retain seniors by expanding their available housing options.

ACTION NECESSARY ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).

Visbaras Law, LLC

K. Alexander Visbaras, Esq.
Attorney-At-Law

195 Center Street
Auburn, Maine 04210
email: kalex@visbaras.com

Phone: (207)376-3127
376-3126
Fax: (207) 783-4994
376-3198

November 14, 2016

David Hediger
City Planner/Deputy Director of Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Dear David:

We are providing along with this introduction letter a Petition seeking the rezoning of several properties located on East Avenue and Webster Street in Lewiston, owned by my clients, Louis and Laurie Ouellette. I believe the Petition is self explanatory, but it seemed appropriate to provide you with a more detailed explanation of the properties' history and the underlying reasons for the Petition.

The Ouellettes intend to construct on the combined properties of 153 East Avenue and 209 Webster Street a new senior housing complex intending to serve up to thirty-seven (37) senior area residents. The Ouellettes have owned and responsibly operated several multifamily housing units on East Avenue for a number of years. Specifically, Louis acquired a ½ interest in 151 East Avenue (Tax Map 175, Lot 11), which the City has designated as a four (4) unit multifamily residential building, from his father, Arthur Ouellette, in 2004. Louis had assisted his father in the management of this building prior to 2004, but overtook full management responsibilities at that time. He thereafter acquired the remaining ½ interest in 151 East Avenue from his father in July 2009.

In the interim, Louis and Laurie Ouellette acquired from the Secretary of Veterans Affairs on October 4, 2008, a vacant parcel of land located at 153 East Avenue (Tax Map 175, Lot 10), which is adjacent to both 151 East Avenue and another property acquired by Louis this year. This recently acquired property (July 27, 2016) is 209 Webster Street (Tax Map 175, Lot 6), purchased from Pauline Bazinet. 209 Webster Street currently consists of a single family residence with direct access onto both Webster Street and East Avenue, with an aggregate acreage of 2.1 acres.

David Hediger
November 14, 2016
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Although no final decision has been made by the Ouellettes regarding the integration of the 151 East Avenue property into the project, they would have the opportunity to remove the present structure, and add this parcel to the overall project, which would avail them of three (3) additional senior housing units. At this early juncture, the Ouellettes have neither committed to this building removal nor elected to retain the building as it currently stands. Much will depend on the outcome of the enclosed Petition.

Should you have any questions or require further information from either our office or the Ouellettes, please feel free to call upon us. We look forward to working with you, City staff and City officials to bring this project to fruition. Thank you.

Respectfully submitted,



K. Alexander Visbaras, Esq.
Counsel to Louis and Laurie Ouellette

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 209 Webster Street, Lewiston, Maine, from the Neighborhood Conservation A (NCA) zoning district to the Office Residential (OR) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The Petitioner, Louis Ouellette, proposes to rezone 209 Webster Street from the Neighborhood Conservation A (NCA) Zoning District to the Office-Residential (OR) Zoning District, the statement of purpose for which is stated in the Lewiston Zoning and Land Use Ordinance, as follows: "The purpose of the office-residential district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties for residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods for undesirable impacts."

The Petitioner proposes that the enacting clause relating to this petition shall be: "The City of Lewiston hereby ordains that as to the real estate located at 209 Webster Street in Lewiston, Maine, said real estate shall be located in the Office-Residential (OR) Zoning District, subject to all requirements applicable to said real estate as set forth in the Lewiston Zoning and Land Use Code, as amended." The reasons for the proposed amendment are as follows.

Based on the City Administrator's Report in early 2016, the creation of an overall City housing plan appeared to the newly elected municipal officials was the issue of highest priority. This included, among other housing types, multi-family housing projects and co-operative housing. This Report also emphasized the need to remove obstacles to development through revisions to the Land Use Code and Comprehensive Plan.

The proposed housing complex will meld cohesively into the current character of the surrounding neighborhood, which is and has historically been comprised of older vintage multi-family and some single family units, many of which are no longer owner-occupied. Many of these units are currently occupied by younger working families. The current proposed project would provide additional diversity to the neighborhood without altering its essential character. Given that the site is already serviced by public water and sewer facilities, trash removal and

like services, combined with opportunities for both on-site parking for seniors capable of driving and availability of public transportation for those seniors whose cannot drive, this project will not only address a pressing housing need for one sector of our community desperately in need of modern and affordable housing, but also place little additional burden on already provided City services and facilities.

CONFORMANCE WITH COMPREHENSIVE PLAN

The petition before you is consistent with the City's Comprehensive Plan (CP), for the reasons stated above and also based on the following:

- The CP encourages the exploration of techniques which encourage development where public services already exist. (Page 68, subsection 8).
- The CP further encourages a diversity of residents to live within each neighborhood (such as income or age) and to discourage stratification, segregation and concentrations of various types of people (Page 68, subsection 10).
- The CP advocates that the City accomplish these techniques for the creation of multi-family housing through Code amendments and rezonings (Page 71, Section H[1]). The proposed senior occupants of the Project will provide the very diversity of residents living in the East Avenue/Webster Street neighborhood that the CP suggests as a housing goal.
- The project would benefit directly from the CP's designation of East Avenue as a "major transportation linkage" for convenient access to these senior residents whether by public transportation or private vehicle (Page 127, section 31), with this rezoning being consistent with the establishment of the Office-Residential District due to this same East Avenue transportation finding (Page 127, section 32).
- The proposed project will be consistent with the CP's desire for "infill construction" for the prevention of sprawl within the City and the overextension of public services (Page 134, Section A and Page 64, Paragraph 3).

In the most recent version of Legacy Lewiston, Lewiston draft comprehensive plan (June 2016) designed to revise its current Comprehensive Plan, its findings on the topic of senior housing more than justify the Petition before you. Legacy Lewiston expressly states:

"There are not enough options for seniors who need assistance or wish to live independently. According to a 2013 report by the Lewiston Housing Authority, there are approximately 391 elderly/disabled public housing units in the City. With a population of nearly 6,000 residents aged 65 and older as of 2012 American Community Survey data, there is a clear shortage of housing options for this demographic. Many seniors move from the City because there are few senior-specific housing choices, especially for those who no longer drive. Because of a lack of senior housing, others end up owning or renting homes that are bigger than they need and require more for upkeep and maintenance than they can afford. Senior housing needs will continue to grow as the population's overall age increases. Lewiston can enhance its ability to attract and retain seniors by expanding their available housing options."

151 EAST Ave.

(1/2 Int.)

Bk 6084 Pg 28 #26180
09-28-2004 @ 11:48a

Warranty Deed

Arthur Ouellette, Jr. of Lewiston, Androscoggin County, Maine, for consideration paid, grants to **Louis Ouellette** with a mailing address of P.O. Box 607, Sabattus, Maine 04280, with **Warranty Covenants**, an undivided one-half interest in and to a certain lot or parcel of land, with any buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to wit:

NO MAINE R.E.
TRANSFER TAX PAID

Commencing at the intersection of the southeasterly line of East Avenue with the northeasterly line of Boston Avenue; thence in a southeasterly direction, along the northeasterly line of Boston Avenue, one hundred five-tenths (100.5) feet, to an iron pin set in the ground and land now or formerly of one Blanche Alice Dionne; thence in a northeasterly direction along the line of the said Dionne, ninety-one and five tenths (91.5) feet, to another iron pin set in the ground; thence in a westerly direction along line of land formerly of David Caron, about one hundred eighteen (118) feet, to an iron pin set in the ground on the southeasterly line of East Avenue; thence in a southwesterly direction, along the southeasterly line of East Avenue; forty-nine (49) feet, to the point of intersection of said southeasterly line of East Avenue with the northeasterly line of Boston Avenue, said point being the point of commencement.

Also another certain lot or parcel of land, with the buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to-wit:

Commencing at a point on the southeasterly line of East Avenue, said point being the northwesterly corner of the lot hereinabove described; thence in a northeasterly direction, along the southeasterly line of East Avenue, forty-nine (49) feet, to an iron pin set in the ground; thence in a southeasterly direction, one hundred seventeen (117) feet, to another iron pin set in the ground; thence in a southwesterly direction, sixteen and five tenths (16.5) feet, to another iron pin set in the ground at the northeasterly corner of the lot of land hereinabove described; thence in a westerly direction along the line of land hereinabove described, about one hundred eighteen (118) feet, to the southeasterly line of East Avenue, and the point of commencement.

Being the same premises described in a deed from Louis E. Gosselin and Annette F. Gosselin to Arthur Ouellette, Jr. and Lorraine Ouellette as joint tenants dated July 30, 1957 recorded in Book 764, Page 526 of the Androscoggin County Registry of Deeds. Lorraine Ouellette has since deceased.

In Witness Whereof, the Grantor has set his hand and seal on this 24th day of September, 2004.

Witness

Arthur Ouellette, Jr.
Arthur Ouellette, Jr.

State of Maine
Androscoggin, SS.

September 24, 2004

Then personally appeared the above-named **Arthur Ouellette, Jr.** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

K. Alexander Visbaras
K. Alexander Visbaras, Attorney-at-Law

:odh: H:\CLIENTS\Ouellette - Locbid\Deed

ANDROSCOGGIN COUNTY
Tina M. Charnock
REGISTER OF DEEDS

151 EAST AVE.

(1/2 Int.)

Bk 7739 Pg 91 #14981
07-07-2009 @ 11:03a

Warranty Deed

Arthur Ouellette, Jr. of Lewiston, Androscoggin County, Maine, for consideration paid, grants to Louis W. Ouellette with a mailing address of P.O. Box 607, Sabattus, Maine 04280, with **Warranty Covenants**, all of his remaining interest in and to a certain lot or parcel of land, with any buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to wit:

Commencing at the intersection of the southeasterly line of East Avenue with the northeasterly line of Boston Avenue; thence in a southeasterly direction, along the northeasterly line of Boston Avenue, one hundred five-tenths (100.5) feet, to an iron pin set in the ground and land now or formerly of one Blanche Alice Dionne; thence in a northeasterly direction along the line of the said Dionne, ninety-one and five tenths (91.5) feet, to another iron pin set in the ground; thence in a westerly direction along line of land formerly of David Caron, about one hundred eighteen (118) feet, to an iron pin set in the ground on the southeasterly line of East Avenue; thence in a southwesterly direction, along the southeasterly line of East Avenue; forty-nine (49) feet, to the point of intersection of said southeasterly line of East Avenue with the northeasterly line of Boston Avenue, said point being the point of commencement.

Also another certain lot or parcel of land, with the buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to-wit:

Commencing at a point on the southeasterly line of East Avenue, said point being the northwesterly corner of the lot hereinabove described; thence in a northeasterly direction, along the southeasterly line of East Avenue, forty-nine (49) feet, to an iron pin set in the ground; thence in a southeasterly direction, one hundred seventeen (117) feet, to another iron pin set in the ground; thence in a southwesterly direction, sixteen and five tenths (16.5) feet, to another iron pin set in the ground at the northeasterly corner of the lot of land hereinabove described; thence in a westerly direction along the line of land hereinabove described, about one hundred eighteen (118) feet, to the southeasterly line of East Avenue, and the point of commencement.

Being the same premises described in a deed from Louis E. Gosselin and Annette F. Gosselin to Arthur Ouellette, Jr. and Lorraine Ouellette as joint tenants dated July 30, 1957 recorded in Book 764, Page 526 of the Androscoggin County Registry of Deeds. Lorraine Ouellette has since deceased.

MAINE REAL ESTATE
TRANSFER TAX PAID

In Witness Whereof, the Grantor has set his hand and seal on this 2nd day of July, 2009.

L.O. Visbaras
Witness

Arthur Ouellette, Jr.
Arthur Ouellette, Jr.

State of Maine
Androscoggin, SS.

July 2, 2009

Then personally appeared the above-named **Arthur Ouellette, Jr.** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

K. Alexander Visbaras
K. Alexander Visbaras, Attorney-at-Law

ANDROSCOGGIN COUNTY
Tha M. Chaumard
REGISTER OF DEEDS

:odh: H:\Clients\Ouellette\151 East Ave\June 09 Acquisition\Deed

153 EAST AVE.

Bk 7573 Pg 94 #23672
11-19-2008 @ 10:45a

QUITCLAIM DEED WITH COVENANT

This Indenture, made on the 4th day of ^{November}~~October~~, 2008 by and between the Secretary of Veterans Affairs, having a place of business at 275 Chestnut Street, Manchester, Hillsborough County, New Hampshire 03101, hereinafter referred to as Grantor, and in consideration of One Dollar (\$1.00) and other valuable consideration paid by Louis Ouellette and Laurie Ouellette with a mailing address of P.O. Box 607 Sabattus, Maine 04280 hereinafter Grantee, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, with quitclaim covenant, unto the said Louis Ouellette and Laurie Ouellette, as joint tenants and not tenants in common, their heirs and assigns forever, a certain lot or parcel of land with the buildings thereon situated on 153 East Avenue, Lewiston, Maine being more particularly described in the attached Exhibit A.

BEING the same premises conveyed to Secretary of Veterans Affairs by Quitclaim Deed with Covenant from SunTrust Mortgage, Inc. dated February 13, 2008 and recorded in the Androscoggin County Registry of Deeds in Book 7511, Page 152.

TO HAVE AND TO HOLD the same, together with all privileges and appurtenances thereunto belonging, to the said Louis Ouellette and Laurie Ouellette, as joint tenants and not tenants in common, their heirs and assigns forever.

Grantor covenants with the said Grantee, their heirs and assigns, that it shall and will warrant and defend the premises to the said Grantee, their heirs and assigns forever, against lawful claims and demand of all persons claiming by, through or under Grantor.

MAINE REAL ESTATE
TRANSFER TAX PAID

Pursuant to provisions of 38 U.S.C. 3720 (a)(6) the Secretary of Veterans Affairs does not seek to exercise exclusive jurisdiction over the within described property.

Secretary of the Department of Veterans Affairs,

By: *Sandra Colgrove*
Sandra Colgrove

Its: Assistant Secretary

Countrywide Pursuant to a delegation of authority
contained in 38 C.F.R. § 36.4342(f)

SEAL

STATE OF

TEXAS, ss.

November ⁴~~8~~, 2008

On this date, before me personally appeared Sandra Colgrove, pursuant to a delegation of authority contained in 38 C.F.R. § 36.4342 (f), to me known to be the person who executed the foregoing instrument on behalf of the Secretary of Veterans Affairs, and acknowledged that he executed the same as the free act and deed of said Secretary.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the State of Texas aforesaid, this 4th day of October, 2008.
November

Before me,

Les Geurin

Attorney at Law/Notary Public



Exhibit A

Three certain lots or parcels of land, with any buildings thereon, situated in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

PARCEL ONE: Beginning at an iron rod in the easterly line of East Avenue, said rod being at the intersection of the easterly line of East Avenue, with the northerly line of the Burbank land; thence easterly by said Burbank land two hundred twenty-seven (227) feet; thence northerly, parallel with said East Avenue, fifty (50) feet; thence easterly, parallel with said Burbank land, twenty (20) feet to a proposed street; thence northerly by the westerly line of said proposed street to a point one hundred (100) feet measured at right angles to said Burbank line; thence westerly, parallel with and one hundred (100) feet distance from said Burbank land, two hundred seven (207) feet to East Avenue; thence southerly by the easterly line of said East Avenue to the point of beginning.

Together with the right to have a right of way six (6) feet in width on the northerly side of the above-described premises.

EXCEPTING AND RESERVING from the above-described property, certain land conveyed to Louis E. Gosselin and Annette E. Gosselin by David Caron, the description of which is contained in Book 741, Page 530, of the Androscoggin County Registry of Deeds to which deed reference may be had for a more particular description of the property mentioned.

Subject to highway taking from Robert W. Caron et al, recorded in said Registry, Book 1172, Page 301.

This parcel is also subject to conveyance of 63.94 square feet sold by David Caron to the City of Lewiston, recorded in said Registry, Book 739, Page 412. This parcel is also subject to conveyance of 139.54 square feet by the City of Lewiston to David Caron, recorded in said Registry, Book 944, Page 425.

PARCEL TWO: Beginning at a point marked by an iron pipe driven into the ground in the southeasterly line of East Avenue at the northeasterly corner of the property of Joseph Caron et al; thence in a southeasterly direction at an internal angle of sixty-five degrees (65°) and forty seven minutes (47') along the northerly line of Joseph Caron et al, property two hundred and seven (207) feet, more or less, to a point marked by an iron pipe set in the ground; thence in a northwesterly direction at an internal angle of two degrees (2°) and fifty minutes (50') two hundred and one and seven tenths (201.7) feet to a point marked by an iron pipe set in the ground in the southerly line of East Avenue; thence in a westerly direction along the southerly line of said East Avenue, eleven and seven

tenths (11.7) feet to the point of beginning.

PARCEL THREE: Being twenty feet by fifty feet (20'X50') rectangular piece of land abutting James C. and Rena Caron's property and more particularly described as follows: Commencing at the southwesterly point of Priscilla L. Bazinet's property, the said point being approximately two hundred twenty-seven feet (227') easterly of East Avenue and being also the southeasterly point of said Caron's land; thence in a northeasterly direction north 07 degrees 34 minutes 00 seconds east fifty feet (50'); thence in an easterly direction north 85 degrees 09 minutes 28 seconds east twenty feet (20'); thence in a southwesterly direction and parallel to the first course fifty feet (50'); thence in a northwesterly direction twenty feet (20') to the point of beginning.

The first course runs along land of said Caron and it being the same land purchased from Joseph and Priscilla Caron and Robert and Alvira Caron in April of 1977. The last course runs along the northerly line of Muriel E. Caron.

Meaning and intending to describe and mortgage the same premises conveyed to the mortgagor(s) by deed recorded in the Androscoggin County Registry of Deeds in Book 5466 at Page 129.

ANDROSCOGGIN COUNTY
Tina A. Chaudard
REGISTER OF DEEDS

Warranty Deed

Priscilla L. Bazinet of Lewiston, Androscoggin County, Maine, for consideration paid, grants to Louis W. Ouellette, with a mailing address of P.O. Box 607, Sabattus, Androscoggin County, Maine 04280, with Warranty Covenants, a certain lot or parcel of land, with the buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to wit:

MAINE REAL ESTATE
TRANSFER TAX PAID

Commencing at a point on the northwesterly corner of a lot of land now or formerly owned by one Silas Bartlett; thence westerly along the southerly line of East Avenue about forty-two (42) feet to land now or formerly of one Babb; thence southeasterly along the easterly line of said Babb's land and land now or formerly of one Martin Sinnott about two hundred fifty feet; thence westerly along the southerly line of said Sinnott's land twenty (20) feet to land now or formerly owned by one Urquhart; thence southerly along the easterly line of said Urquhart's lot and parallel with East Avenue fifty (50) feet; thence southeasterly on a line which would be formed by the continuation of the southerly line of said Urquhart's lot in an easterly direction about one hundred ninety-five (195) feet to a stake; thence northeasterly by land of Highland Terrace and lot now or formerly owned by one Keegan about three hundred thirty (330) feet to Webster Street; thence northwesterly along the line of said Webster Street about one hundred thirty-two (132) feet to land now or formerly owned by one Thornton; thence southwest along the southerly line of said Thornton's land one hundred twenty (120) feet; thence northwesterly along the westerly line of said Thornton's land sixty-four (64) feet to land now or formerly of one Bubier; thence westerly by the line of said Bubier's land one hundred eleven (111) feet and nine (9) inches or thereabouts; thence at an angle northwesterly along the westerly line of said Bubier's land fifty (50) feet to the land of the aforementioned Bartlett; thence westerly along the southerly line of said Bartlett's land one hundred (100) feet; thence northwesterly along the westerly line of said Bartlett land one hundred (100) feet to the point begun at.

There is excepted and reserved from the above described premises four certain parcels of land conveyed by (a) Annie I. Bubier to Robert W. Caron dated May 9, 1952, recorded in said Registry in Book 669, Page 342; (b) Annie I. Bubier to John W. Thornton, dated August 19, 1955, recorded in said Registry in Book 728, Page 52; (c) Priscilla L. Bazinet to James C. Caron and Rena Caron dated September 1, 1983 and recorded in said Registry in Book 1671, Page 216; and (d) Priscilla L. Bazinet to Robert W. Caron dated January 26, 1984 and recorded in said Registry in Book 1700, Page 264.

Being a portion of the premises described in a warranty deed from Annie I. Bubier to Joseph W. Bazinet and Priscilla L. Bazinet, as joint tenants, dated October 22, 1958 and recorded in said Registry in Book 791, Page 108. Joseph W. Bazinet deceased on December 16, 1980, leaving Priscilla L. Bazinet as the sole surviving joint tenant owner of the above described premises.

In Witness Whereof, the Grantor has set her hand and seal, both individually and by Monique Breault, her Attorney in Fact on this 27th day of July, 2016.

Pauline Dube
Witness

Priscilla Bazinet
Priscilla L. Bazinet

As to both
Witness

Monique Breault
Priscilla L. Bazinet
By: Monique Breault, Attorney in Fact

State of Maine
Androscoggin, SS.

July 27, 2016

Then personally appeared the above-named **Priscilla L. Bazinet** individually, and **Monique Breault** as Attorney in Fact for Priscilla L. Bazinet, and acknowledged the foregoing instrument to be their free act and deed in their respective stated capacities.

Before me,

K. Alexander Visbaras
K. Alexander Visbaras, Attorney-At-Law

**DURABLE GENERAL POWER OF ATTORNEY
OF
PRISCILLA L. BAZINET**

I, PRISCILLA L. BAZINET, of Lewiston, County of Androscoggin and the State of Maine, do hereby make, constitute and appoint my daughter, MONIQUE BREAUULT, and, if my said daughter resigns, dies, becomes incapacitated, is not qualified to serve or declines to serve as agent, I hereby make, constitute and appoint my daughter, PAULINE DUBE, as my successor agent, each of them being hereinafter referred to as my "agent" and having full authority to act for me and in my name, place and stead, in any and all of the following matters:

1. Real Property as defined in Section 5-934 of the Maine Uniform Power of Attorney Act (hereinafter referred to as "MUPAA").
2. Tangible Personal Property as defined in Section 5-935 of MUPAA.
3. Stocks and Bonds as defined in Section 5-936 of MUPAA.
4. Commodities and Options as defined in Section 5-937 of MUPAA.
5. Banks and Other Financial Institutions as defined in Section 5-938 of MUPAA.
6. Operation of Entity or Business as defined in Section 5-939 of MUPAA.
7. Insurance and Annuities as defined in Section 5-940 of MUPAA.
8. Estates, Trusts, and Other Beneficial Interests as defined in Section 5-941 of MUPAA.
9. Claims and Litigation as defined in Section 5-942 of MUPAA.
10. Personal and Family Maintenance as defined in Section 5-943 of MUPAA (including gifts to any one or more charitable organizations, which organizations may or may not be a charitable organization described in Sections 170(b), 2055 and 2522 of the Internal Revenue Code).
11. Benefits from Governmental Programs or Civil or Military Service as defined in Section 5-944 of MUPAA.
12. Retirement Plans as defined in Section 5-945 of MUPAA.
13. Taxes as defined in Section 5-946 of MUPAA.
14. Gifts as defined in Section 5-947 of MUPAA (including to or for the benefit of my agent).

15. The power and authority, as described under Section 5-931 of MUPAA, to: create, amend, revoke, or terminate an inter vivos trust; create or change rights of survivorship; create or change a beneficiary designation; authorize another person to exercise the authority granted under this power of attorney; waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; exercise fiduciary powers that the principal has authority to delegate; disclaim or refuse an interest in property, including a power of appointment; exercise authority hereunder to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property; and do and perform all other acts that I could do if personally present and competent.

General and Miscellaneous Provisions: This power of attorney shall be effective immediately and shall not be affected by my disability or any lack of competence suffered by me and arising after the date hereof. Lapse of time shall not affect the validity of this power of attorney. To specifically limit the scope of Section 5-914(h) of MUPAA, I hereby state that my agent is not required to disclose receipts, disbursements or transactions to any person except me, a coagent, my conservator and, following my death, the personal representative of my estate. I hereby exonerate my agent from liability for a breach of any duty except for any breach committed dishonestly, with improper motive, or with reckless indifference to the purposes of this power of attorney. I hereby nominate my agents to serve as my conservator in the order designated herein. The provisions of this instrument shall be severable and, in the event any of them is deemed void or ineffective by a court of law, or any other authority, the others shall continue in full force and effect. A photocopy or electronically transmitted copy of this power of attorney has the same effect as the original. The validity and effect of this instrument shall be governed by, and the terms of this instrument shall be construed in accordance with, the law of the State of Maine.

Notice to the Principal (required by Maine law): As the "Principal" you are using this power of attorney to grant power to another person (called the Agent) to make decisions about your property and to use your property on your behalf. Under this power of attorney you give your Agent broad and sweeping powers to sell or otherwise dispose of your property without notice to you. Under this document your Agent will continue to have these powers after you become incapacitated. The powers that you give your Agent are explained more fully in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5, Part 9. You have the right to revoke this power of attorney at any time as long as you are not incapacitated. If there is anything about this power of attorney that you do not understand, you should ask a lawyer to explain it to you.

Notice to the Agent (required by Maine law): As the "Agent" you are given power under this power of attorney to make decisions about the property belonging to the Principal and to dispose of the Principal's property on the Principal's behalf in accordance with the terms of this power of attorney. This power of attorney is valid only if the Principal is of sound mind when the Principal signs it. When you accept the authority granted under this power of attorney a special legal relationship is created between you and the Principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. The

duties are more fully explained in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5, Part 9 and Title 18-B, sections 802 to 807 and Title 18-B, chapter 9. As the Agent, you are generally not entitled to use the Principal's property for your own benefit or to make gifts to yourself or others unless the power of attorney gives you such authority. If you violate your duty under this power of attorney you may be liable for damages and may be subject to criminal prosecution. You must stop acting on behalf of the Principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events of termination are more fully explained in the Maine Uniform Power of Attorney Act and include, but are not limited to, revocation of your authority or of the power of attorney by the Principal, the death of the Principal or the commencement of divorce proceedings between you and the Principal. If there is anything about this power of attorney or your duties under it that you do not understand you should ask a lawyer to explain it to you.

IN WITNESS WHEREOF, I, PRISCILLA L. BAZINET, have hereunto set my hand and seal this 23 day of July, 2016.

SIGNED, SEALED AND DELIVERED
in the presence of:

L. Aaron Collins
Dawn Collins
12

Priscilla L. Bazinet
Priscilla L. Bazinet

Rachel Blanchette
STATE OF MAINE
COUNTY OF MAINE, ss:

On this 23 day of July, 2016, personally appeared before me the above named PRISCILLA L. BAZINET, and acknowledged that the foregoing instrument was her free act and deed.

PENNY LACASSE
Notary Public, Maine
My Commission Expires January 11, 2020

Penny Lacasse
Notary Public

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office Residential (OR) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Claire Pinette</i>	CLAIRE PINETTE	4 Reservoir Ceme.	10/12/16
2	<i>Marie LeBlanc</i>	MARIE LOBLANC	12 Morningfield St	10/14/16
3	<i>Jeannette O'Connell</i>	JEANNETTE O'CONNELL	16 FARRELL ST.	10-14-16
4	<i>Linda Caouette</i>	LINDA CAOUEE	33 Robert Ave	10-14-16
5	<i>Gerard Legare</i>	Gerard Legare	40 MARY ST	10/14/16
6	<i>Richard G. Goulette</i>	RICHARD C. GOULETTE	50 CASSELL ST	10-14-16
7	<i>Jacqueline Sherburne</i>	JACQUELINE SHERBURNE	23 ST ST	10/14/16
8	<i>Claire Davis</i>	Claire Davis	145 Pond Rd Lew	10/14/16
9	<i>Pauline Wilder</i>	PAULINE WILDER	350 Randall Rd	10/14/16
10	<i>Connie Lavoie</i>	Constance Lavoie	240 Scibaxer	10/14/16
11	<i>Sidney Wilder</i>	Sidney J Wilder	350 Randall Rd	10/14/16
12	<i>Martine Gagne</i>	41 Homefield	MARTINE GAGNE	10/14/16
13	<i>Addie Landry</i>	Addie Landry	216 Bradbury Rd	10/14/16
14	<i>Albert Landry</i>	Albert Landry	216 Bradbury Rd	10/14/16
15	<i>Nancy B Mahor</i>	Nancy B Mahor	1 Fortier Rd Lew	10/14/16
16	<i>David P. Laplante</i>	DAVID PLAPLANTE	357 WEBBER AVE ^{Lew}	10/14/16
17	<i>Irene M. Laplante</i>	IRENE M. LAPLANTE	357 Webber Ave Lew	10/14/16
18	<i>Yvette M. Mercier</i>	Yvette M. Mercier	62 DILL ST Lew.	10/14/16
19	<i>Diane Nadeau</i>	DIANE NADEAU	39 PLEASANT ST	10-15-16
20	<i>Lionel Lavoie</i>	LIONEL LAVOIE	80 MORRIS AVE	10-15-16

CIRCULATOR-S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Claire Pinette
Signature of Circulator

CLAIRE PINETTE
Printed Name of Circulator

10/12/16
Date

PETITION TO AMEND THE CITY OF LEWISTON ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office Residential (OR) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Roger R Paradis	301 Old GREEVE Rd	10/19/2016
2		RONALD H. BOISVERT	30 SHERBROOKE AVE	10/14/16
3		CONRAD P BOISVERT	211 RANDALL Rd, LEW	10/14/16
4		Lisa A. BOISVERT	30 SHERBROOKE AVE	10/14/16
5		BRIAN P. WHITTEN	20 FOX RUN DRIVE LEWISTON, ME.	10/14/16
6		LYSANNIE DOUCETTE	109 SUMMIT AVE	10/14/16
7		Roxanne Goulet	27 Grove St	10/14/16
8		DANIEL DOUCETTE	109 Summit Ave	10-14-16
9		Trish Hutchins	88 Elm St	10/14/16
10		Kimberly Hutchins	88 Elm St	10/14/16
11		Paul Arsoldy	186 GALLI/ROUE	10/14/16
12		Don Hebert	16 Coffee St	10/14/16
13		Kelli Hebert	12 Coffee St	10/14/16
14		Anna Hunnewell	16 Coffee St	10/14/16
15		Marcia Godfrey	151 East Ave	10/25
16		MURIEL OUELLETTE	151 EAST AVE	10/25
17		GABRIELLE SIROIS	151 East Ave.	10/25
18				
19				
20				

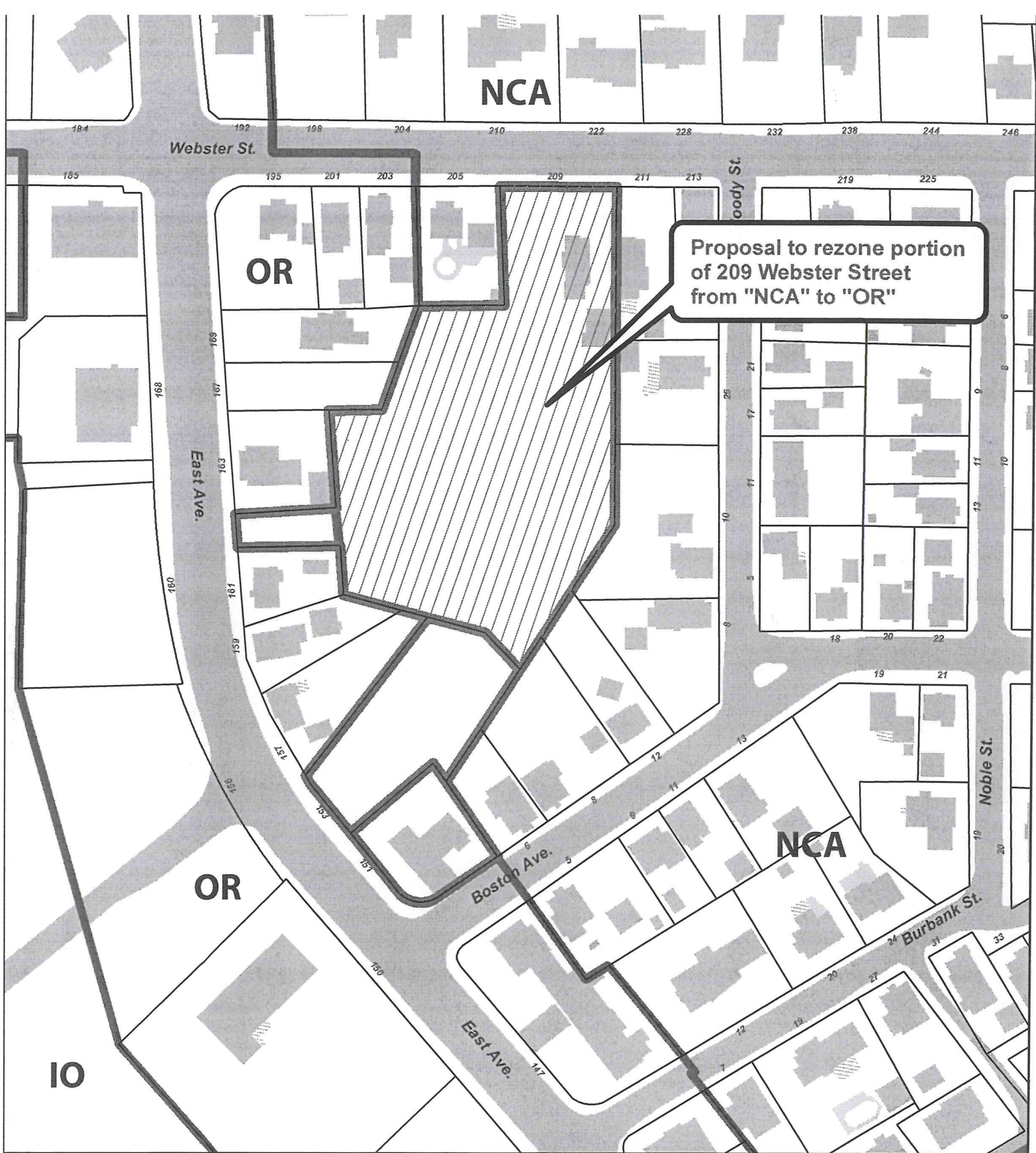
CIRCULATOR= S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Signature of Circulator

Printed Name of Circulator

Date



Proposed 209 Webster Street Rezoning

August 2016

Land Use Table: All Zoning Districts 05.05.16	Neighborhood Conservation on "A" (NCA)	Office Residential (OR)
USES(15)(33)		
Accessory use or structure	P	P
Commercial-Service		
Veterinary facilities excluding kennels and humane societies		P
Veterinary facilities including kennels and humane societies		
Small day care facilities	P(22)	P
Day care centers		P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		P(9)
Restaurants		
Drinking places		
Adult business establishments		
Hotels, motels, inns		
Movie theaters except drive-in theaters		
Places of indoor assembly, amusement or culture		
Art and crafts studios		
Personal Services		P
Retail stores		
Neighborhood retail stores		
Lumber and building materials dealer		
Gasoline service stations		
Gasoline service stations which are a part of and subordinate to a retail use		
New and used car dealers		
Recreational vehicle, mobile home dealers		
Equipment dealers and equipment repair		
Automotive services including repair		
Registered dispensary(27)		
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.		
Tattoo Establishments		
Industrial		
Light industrial uses		
Industrial uses		
Building and construction contractors		
Fuel oil dealers and related facilities		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		
Self storage facilities		
Commercial solid waste disposal facilities		
Junkyards and auto graveyards		
Recycling and reprocessing facilities		
Private industrial/commercial developments(23)		
Transportation		
Airports or heliports		
Commercial parking facilities		
Transit and ground transportation facilities		
Transportation facilities		
Public and Utility		
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C
Municipal buildings and facilities	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways		
Dams		

Land Use Table: All Zoning Districts 05.05.16	Neighborhood Conservation on "A" (NCA)	Office Residential (OR)
Institutional		
Religious facilities	P	P
Cemeteries	P	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		P
Hospitals, medical clinics,		P
Museums, libraries, and non-profit art galleries and theaters		
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,		C
Civic and social organizations		P
Public community meeting and civic function buildings including auditoriums		
Residential		
Single-family detached dwellings on individual residential lots	P	P
Mobile homes on individual residential lots		
Two-family dwellings	P(37)	P
Multifamily dwellings in accordance with the standards of Article XIII		P
Single-Family attached dwelling in accordance with the standards of Article XIII		P
Mixed single-family residential developments in accordance with the standards of Article XIII		
Mixed residential developments in accordance with the standards of Article XIII		P
Mixed use structures		P
Lodging houses		
Home occupations	P	P
Bed and breakfast establishments as a home occupation	P	P
In-law apartments in accordance with the standards of Article XII	P	P
Single family cluster development		
Family day care home	P	P
Shelters		
Dormitories		
Natural Resource		
Agriculture		
Farm Stands		
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P
Earth material removal		
Community gardens(20)	P	P
Water dependent uses, e.g. docks and marinas		
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet		
Recreation		
Campgrounds		
Public or private facilities for nonintensive outdoor recreation	C	C
Commercial outdoor recreation and drive-in theaters		
Fitness and recreational sports centers as listed under NAICS Code 713940		P

Space and Bulk Table: All Zoning District 12.18.12		
Dimensional Requirements (13)	Neighborhood Conservation A (NCA)	Office Residential (OR)(12)
Minimum lot size with public sewer		
Single family detached (24)	7,500 sf	7,500 sf
Single family attached		12,000 sf
Two-family dwellings	12,500 sf	10,000 sf
Single family cluster development	5 acres	
Mixed single family residential development (14)		
Mixed residential development (14)		5 ac
Multifamily dwellings		20,000 sf
Mixed use structures		7,500 sf
Agriculture		
Religious facilities	20,000 sf	
Veterinary facilities		
Other uses	20,000 sf	7,500 sf
All permitted uses		
Minimum lot size without public sewer (3)		
Single family detached, mobile homes on individual lots (24)	20,000 sf	20,000 sf
Single family attached		60,000 sf
Two-family dwellings	20,000 sf	40,000 sf
Single family cluster development (1)	5 acres	
Mixed single family residential development (14)		
Mixed residential development (14)		5 ac
Multifamily dwellings		60,000 sf
Mixed use structures		60,000 sf
Agriculture		
Religious facilities	40,000 sf	
Veterinary facilities		
Other uses	40,000 sf	20,000 sf
Minimum net lot area per du with public sewer		
Single family detached		
Single family attached		
Two-family dwellings	5,000 sf	
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
All permitted residential uses		3,000 sf
Minimum net lot area per du without public sewer		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings	5,000 sf	
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
All permitted residential uses		20,000 sf
Minimum frontage		
Single family detached, mobile homes	75 ft	
Single family attached		100ft (50ft)
Two-family dwellings	125 ft	
Single family cluster development (with multiple vehicular accesses)	200 ft (50 ft)	
Mixed single family residential development (with multiple vehicular accesses)		
Mixed residential development (with multiple vehicular accesses) (14)		100ft (50ft)
Multifamily dwellings (with multiple vehicular accesses)		100ft (50ft)
Mixed use structures		
Agriculture		
Religious facilities	125 ft	
Veterinary facilities		
Other uses	125 ft	
All permitted uses		100 ft
Minimum front setback		
Single family detached, mobile homes on individual lots	20 ft (21,22)	
Single family attached		
Two-family dwellings	20 ft (21,22)	
Single family cluster development	50 ft	
Mixed single family residential development (14)		

Space and Bulk Table: All Zoning District 12.18.12

Dimensional Requirements (13)	Neighborhood Conservation A (NCA)	Office Residential (OR)(12)
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities	20 ft (21,22)	
Veterinary facilities		
Other uses	20 ft (21,22)	
All permitted uses		20 ft (22,23)
Minimum front yard		
Single family detached, mobile homes on individual lots	15 ft (21)	
Single family attached		
Two-family dwellings	15 ft (21)	
Single family cluster development	50 ft	
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities	20 ft (21)	
Veterinary facilities		
Other uses	20 ft (21)	
All permitted uses		10 ft (23)
Minimum side and rear setback		
Single family detached, mobile homes on individual lots	10 ft	
Single family attached		
Two-family dwellings	10ft	
Single family cluster development	30 ft	
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Religious facilities	30 ft	
Mixed use structures		
Veterinary facilities		
Farm structures for keeping of animals		
Other uses	30 ft	
All permitted uses		15 ft (23)
Minimum side and rear yard		
Single family detached, mobile homes on individual lots	10 ft	
Single family attached		
Two-family dwellings	10 ft	
Single family cluster development	30 ft	
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities	30 ft (16)	
Veterinary facilities		
Farm structures for keeping of animals		
Other uses	30 ft (16)	
All permitted uses		10 ft (16,23)
Maximum height		
Agriculture		
	35 ft	35 ft
Other permitted uses		
Hospital, nursing homes and medical offices		
Ratios		
Maximum lot coverage	0.40	0.30
Maximum impervious coverage		0.60